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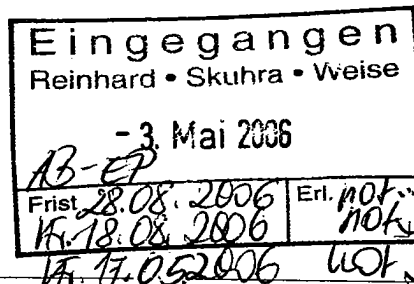
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Application No. 03 754 966.4 - 2412	Ref. P18368 GC/sta	Date 28.04.2006
Applicant Sony Ericsson Mobile Communications AB		

Communication pursuant to Article 96(2) EPC

The examination of the above-identified application has revealed that it does not meet the requirements of the European Patent Convention for the reasons enclosed herewith. If the deficiencies indicated are not rectified the application may be refused pursuant to Article 97(1) EPC.

You are invited to file your observations and insofar as the deficiencies are such as to be rectifiable, to correct the indicated deficiencies within a period

of 4 months

from the notification of this communication, this period being computed in accordance with Rules 78(2) and 83(2) and (4) EPC.

One set of amendments to the description, claims and drawings is to be filed within the said period on separate sheets (Rule 36(1) EPC).

Failure to comply with this invitation in due time will result in the application being deemed to be withdrawn (Article 96(3) EPC).



Harrysson, A
Primary Examiner
for the Examining Division

Enclosure(s): 3 page/s reasons (Form 2906)



Datum
Date 28.04.2006
Date

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Sheet 1
Feuille

Anmelde-Nr.:
Application No.: 03 754 966.4
Demande n°:

The examination is being carried out on the **following application documents**:

Description, Pages

1-14 as published

Claims, Numbers

1-20 received on 14.03.2006 with letter of 13.03.2006

Drawings, Sheets

1/5-5/5 as published

- 1) The application has been carefully reviewed in response to the applicant's letter of 13.03.2006. However, due to the reasons below, the application does **not** fulfil the requirements of the EPC.
- 2) The following document is cited by the examiner (see EPO Guidelines C-VI-8.8). A copy of the document is annexed to the communication:
D5: US-A-6 289 220
- 3) With respect to **claim 1**, document **D1** (see in particular abstract; column 14 at lines 48 to column 15 at line 30) discloses (any references in parentheses applying to this document) a method of selecting a communication channel for a mobile communication device, comprising the following steps:
 - a) receiving a communication quality indicator for a current channel from a communication system (see in particular column 14 lines 54-57);
 - b) wherein if the received communication quality indicator for the current channel is below a predetermined threshold value, any channels of a channel scan list stored in a memory is scanned to acquire another channel from the channel



scan list having a communication quality indicator greater than or equal to said predetermined threshold value (see column 14 lines 62-66);

From the disclosure of **D1**, present claim 1 **differs** in that it explicitly claims:

- c) wherein all channels of a grey zone channel scan list stored in said memory are skipped during this scanning, and
- d) the current channel is added to said grey zone channel scan list;
- e) wherein the channels stored in said grey zone channel scan list have a reverse link from said mobile communication device to a base station being degraded by interference from other mobile communication devices communicating in a cell of said base station.

In light of **D1** the technical **problem to be solved** by the additional features of present claim 1 may be regarded as how to perform a quicker search for a new channel.

For the skilled person, starting from the personal communication system described in **D1**, the above problem is well known and the skilled person would as the result of pure implementation details:

- limit the scan to selected channels on a channel scan list;
- not scan again the current channel (since this is the channel causing the scan);
- implement the method of D1 in a CDMA-system.

The channels not scanned by these implementation details can thus be considered as placed in a channel scan list and being "skipped" during the scan. Further, it is well known that each channels in the reverse link of a CDMA system causes interference to each other reverse link channel, since according to CDMA all reverse link channels are used for simultaneous transmission in the same frequency band.

Thus, although D1 does not explicitly disclose a channel scan list comprising channels which are not scanned, the skilled person would, according to the above reasoning, starting from document **D1** arrive at the subject-matter of **claim 1** without exercising an **inventive step** in the sense of Article 56 EPC. Therefore the application does not meet the requirements of Article 52(1) EPC.



Datum
Date 28.04.2006
Date

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Sheet 3
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Anmelde-Nr.:
Application No.: 03 754 966.4
Demande n°:

- 4) The same **inventive step** objection applies with regard to cited document **D5**, see column 1 lines 55-61 and column 5 lines 34-57, wherein not all channels are scanned in a CDMA system when handoff is triggered due to signal strength lower than a threshold.
- 5) The above objection regarding claim 1 applies also to independent **claims 14 and 20**, which define a mobile communications device and a computer readable medium having instructions, respectively, for performing the method defined in independent claim 1. As a consequence the subject-matter of **claims 14 and 20** also **does not involve an inventive step** (Article 56 EPC).
- 6) The objections regarding lack of inventive step as set out in the communication of 19.09.2005 with respect to the previous **dependent claims** apply for the present **dependent claims 2-13 and 15-19**.
- 7) When new claims are filed to overcome the objections set out above, the applicant should see to that Rule 29(1) EPC regarding two-part form is fulfilled.

It is to note that non-compliance with Rule 29(1) EPC should be well-founded and can only be permitted when it is clear from the **description** which features defined by the independent claim are already known in combination from the prior art, see EPO Guidelines C-III-2.3b.

In any case, care should be taken **not to amend the application in such a way that it contains subject-matter which extends beyond the content of the application as filed**, Article 123(2) EPC. Amendments should be **clearly identified and their basis in the application as filed likewise clearly indicated**.